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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,856	11/05/2001	Thomas P. Stossel	B0801/7232	7592

23628 7590 06/16/2003

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EXAMINER
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AFREMOVA, VERA

ART UNIT	PAPER NUMBER
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1651

DATE MAILED: 06/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
10/007,856

Applicant(s)  
Stossel et al.

Examiner  
Vera Afremova

Art Unit  
1651



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (e). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Apr 8, 2003
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4, 13, 15, 35-38, 45, 46, 48, 53-57, 67, and 68 is/are pending in the application.
- 4a) Of the above, claim(s) 2-4, 13, 15, 35-38, 45, 46, 48, 53-57, 67, and 68 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 6 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Election/Restriction***

Applicants' election with traverse of Group I (claim 1) in Paper No. 8 filed 4/08/2003 is acknowledged. The traversal is on the ground(s) that the Groups I-IV are drawn to similar methods identifying a platelet clearance antagonist. This is not found persuasive because the claimed methods requires different structural elements as claimed such as chilled platelets, ligands of platelets, liver macrophages and receptors of liver macrophages. Thus, the claimed methods are different and they require different consideration and searches. The requirement is still deemed proper and is therefore made FINAL.

Claims 2-4 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to nonelected inventions, there being no allowable generic or linking claim.

Applicant timely traversed the restriction requirement in Paper No. 8.

Claims 13, 15, 35-38, 45, 46, 48, 53-57, 67 and 68 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected inventions, there being no allowable generic or linking claim. Election was made without traverse in Paper No. 8.

Claims 5-12, 14, 16-34, 39-44, 47, 49-52, 58-66 and 69-73 were canceled by applicants in the Paper No. 4 (preliminary amendment) filed 4/05/2001.

Claim 1 is under examination in the instant office action.

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***Claim Objections***

Claim 1 is objected to because of the following informalities:

There are some typing error. Appropriate correction is required and it is suggested as follows:

Claim 1, line 2, the phrase "Contacting" should be replaced by ---contacting---.

Claim 1, line 4, the phrase "Detecting" should be replaced by ---detecting---.

Claim 1, line 5, the phrase "Wherein" should be replaced by ---wherein---.

Claim 1 drawn to a method for identifying a platelet clearance antagonist by detecting a reduction in the binding of a chilled platelet to a liver macrophage in the *in vitro* system in the presence of a test molecule, which is the platelet clearance antagonist, is free from prior art. According to the applicants' definitions a chilled platelet is a platelet exposed to a temperature less than 22°C or about 4 °C (specification page 5, last par.) According to the applicants' definitions liver macrophages are Kupffer cells (specification page 6, line 14) which are obtained from liver (specification page 49, par. 3).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vera Afremova whose telephone number is (703) 308-9351. The examiner can normally be reached on Monday to Friday from 9:00 to 5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Wityshyn, can be reached on (703) 308-4743. The fax phone number for this Group is (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Vera Afremova

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June 13, 2003

VERA AFREMOVA

PATENT EXAMINER

A handwritten signature in cursive script, appearing to read 'V. Afremova', followed by a long horizontal flourish.